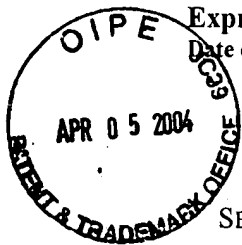


4-6-04



Express Mail Label No.: EV312718049US

Date of Deposit: April 5, 2004

Attorney Docket No. 20363-021

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Korsmeyer, et al.

SERIAL NUMBER: 10/658,028

EXAMINER: Not Yet Assigned

FILING DATE: September 9, 2003

ART UNIT: 1646

FOR: BH3 Peptides and Method of Use Thereof

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified application are the following documents:

1. Response to Notice to Comply (1 pg.);
2. Copy of Notice to Comply (2 pgs.);
3. Sequence Listing (5 pgs.);
4. One Diskette;
5. Statement in Support of Computer Readable Form Submission (1 pg.); and
6. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at 617-542-6000, Boston, Massachusetts.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 20363-021).

Respectfully submitted,

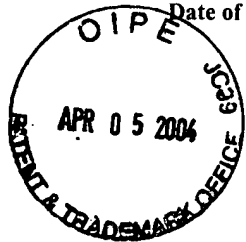
Date of Deposit: April 5, 2004

Ivor R. Elrifi, Reg. No. 39,529  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
Address all correspondence to  
**Customer No.: 30623**  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Express Mail Label No.: EV312718049US

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Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

In response to the notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures, mailed March 5, 2004, in the above-identified application, Applicants submit a substitute paper copy, and a computer readable form of the Sequence Listing. Also enclosed are a Statement in Support of Computer Readable Form Submission, and a copy of the Notice to Comply. This response is due on or before April 5, 2004. Please charge any fees that may be due, or credit any overpayment to Deposit Account No. 50-0311, Reference No. 20363-021.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Ivor R. Elrifi", written over a horizontal line.

Date of Deposit: April 5, 2004

Ivor R. Elrifi, Reg. No. 39,529  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
Address all correspondence to  
**Customer No.: 30623**  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/658,028	09/09/2003	Stanley J. Korsmeyer	20363-021

CONFIRMATION NO. 4042

## FORMALITIES LETTER



\*OC000000012037095\*

30623  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

Date Mailed: 03/05/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

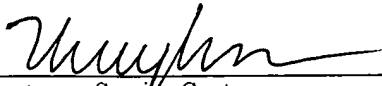
- o A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read 'Thuyhan', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE